

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: ABBOTT LABORATORIES, ET
AL., PRETERM INFANT NUTRITION
PRODUCTS LIABILITY LITIGATION**

This Document Relates to:

ALL CASES

MDL 3026

Master Docket No. 1:22-cv-00071

Judge Rebecca R. Pallmeyer

CASE MANAGEMENT ORDER NO. 14

CENSUS ORDER

I. SCOPE OF ORDER

This Order shall apply to any and all filed plaintiffs and unfilled claimants represented by any attorney of record in: (a) all actions transferred to *IN RE: ABBOTT LABORATORIES, ET AL., PRETERM INFANT NUTRITION PRODUCTS LIABILITY LITIGATION* (“MDL 3026”) by the Judicial Panel on Multidistrict Litigation (“JPML”) pursuant to its Order on April 8, 2022; (b) all related actions originally filed in or removed to this Court; (c) any “tag-along” actions transferred to this Court (collectively, “the Proceedings”); and (d) all other actions over which this Court has jurisdiction to compel the within. In addition, this Order is binding on all Parties and their counsel in all cases currently pending or subsequently made part of MDL 3026 and shall govern each such case and claim in MDL 3026.

The obligation to complete and submit an MDL Census Form and/or a Non-MDL Census Form shall be the sole obligation of the individual attorney representing their respective individual Plaintiff and/or Claimant.

II. MDL CENSUS FORM AND NON-MDL CENSUS FORM

A. MDL 3026 cases in which a PPF has been filed and served: For each case that is currently pending in MDL 3026 and in which a Plaintiff Profile Form has been completed and served on Defendants, an MDL Census Form shall be completed by counsel for the Plaintiff in each such case. The MDL Census Form shall be completed via a secure web-form with the required substantive fields and documents to produce set forth and identified in the attached Exhibit A. All MDL Census Forms shall be completed in accordance with the schedule set forth in Section III below.

B. MDL 3026 cases in which a PPF has not been filed and served: For each case that is currently pending in MDL 3026 and in which a Plaintiff Profile Form (“PPF”) has not been completed and served on Defendants,¹ a PPF and an MDL Census Form shall be completed by counsel for the Plaintiff in each such case. The MDL Census Form shall be completed via a secure web-form with the required substantive fields and documents to produce set forth and identified in the attached Exhibit A. All MDL Census Forms shall be completed in accordance with the schedule set forth in Section III below.

C. All other Preterm Infant Nutrition NEC cases: In addition to II.A. and II.B. above, in accordance with the schedule set forth in Section III below, Plaintiff’s Counsel shall:

1. Complete and submit a Non-MDL Census Form for every individual who Plaintiff’s Counsel currently represents who is not a Plaintiff in MDL 3026, and who alleges necrotizing enterocolitis (“NEC”) related to Abbott’s preterm infant nutrition

¹ CMO 7 (ECF No. 190) sets out the requirements and procedure for completing and serving a Plaintiff Profile Form (“PPF”). CMO 7 remains in full force and effect. Plaintiffs with cases pending in this MDL may be subject to a Motion to Show Cause for failure to timely and properly complete and submit the PPF.

products as of the date of entry of this CMO (regardless of whether or not such individual has filed a case or not). The Non-MDL Census Form shall be completed via a secure web-form with the required substantive fields and documents to produce set forth and identified in the attached Exhibit B. All Non-MDL Census Forms shall be completed in accordance with the schedule set forth in Section III below.

2. Complete and submit a Non-MDL Census Form for each Claimant or Plaintiff who Plaintiff's Counsel is retained to represent anytime in the future, or who is otherwise in Plaintiff's Counsel's inventory of potential future Plaintiffs or Claimants alleging necrotizing enterocolitis ("NEC") related to Abbott's preterm infant nutrition products ("Future Claimant"). The Non-MDL Census Form shall be completed via a secure web-form with the required substantive fields and documents to produce set forth and identified in the attached Exhibit B. All Non-MDL Census Forms shall be completed in accordance with the schedule set forth in Section III below.

D. The MDL Census Forms and Non-MDL Census Forms shall be completed without objections to the questions posed therein.

III. DEADLINE FOR SERVICE OF MDL CENSUS FORMS AND NON-MDL CENSUS FORMS

A. Cases Pending in MDL 3026

1. For all cases currently pending in MDL 3026 ("MDL 3026 Plaintiffs") in which PPFs have been completed and served on Defendants, an MDL Census Form for each Plaintiff shall be completed and submitted no later than thirty (30) days after the entry of this CMO. If Plaintiffs are unable to sign the MDL Census Form within that time period, their counsel shall submit the MDL Census Form without signature no later

than thirty (30) days after the entry of this CMO and shall submit the signature (which may be electronic) no later than sixty (60) days after the entry of this CMO.

2. For all cases currently pending in MDL 3026 (“MDL 3026 Plaintiffs”) in which PPFs have not been completed and served on Defendants, a PPF² and an MDL Census Form for each Plaintiff shall be completed and submitted no later than thirty (30) days after the entry of this CMO. If Plaintiffs are unable to sign the PPF and/or MDL Census Form within that time period, their counsel shall submit the PPF and/or MDL Census Form without signature no later than thirty (30) days after the entry of this CMO and shall submit the signature(s) (which may be electronic) no later than sixty (60) days after the entry of this CMO.
3. For all cases that are filed in MDL 3026 (“MDL 3026 Plaintiffs”) after entry of this CMO, a PPF³ and an MDL Census Form for each Plaintiff shall be completed and submitted no later than thirty (30) days after that Plaintiff’s case is filed.

B. Cases Pending in Courts Other than the MDL 3026 Court

All Plaintiff’s Counsel subject to this CMO shall complete and submit a Non-MDL Census Form for every Plaintiff alleging necrotizing enterocolitis (“NEC”) related to Abbott’s preterm infant nutrition products who Plaintiff’s Counsel represents in cases pending in courts other than the MDL 3026 Court (“Non-MDL 3026 Plaintiffs”) no later than sixty (60) days after the entry of this CMO. For all cases that are filed by Plaintiff’s Counsel subject to this CMO in courts other than the MDL 3026 Court after entry of this CMO, a Non-MDL Census Form for each Plaintiff

² See footnote 1 above.

³ See footnote 1 above.

shall be completed and submitted no later than the longer of thirty (30) days after that Plaintiff's case is filed or sixty (60) days after the entry of this CMO.

C. Unfiled Claims

All Plaintiff's Counsel subject to this CMO shall complete and submit a Non-MDL Census Form for every Claimant alleging necrotizing enterocolitis ("NEC") related to Abbott's preterm infant nutrition products who Plaintiff's Counsel represents who has not filed a case in any court ("Unfiled Claimants") no later than ninety (90) days after the entry of this CMO. For all Claimants that are represented by Plaintiff's Counsel subject to this CMO after entry of this CMO, a Non-MDL Census Form for each Claimant shall be completed and submitted no later than the longer of thirty (30) days after that Claimant's representation is signed or ninety (90) days after the entry of this CMO.

D. Appointment of Census Special Master and Census Liaison Counsel

The Court hereby appoints Randi S. Ellis as Census Special Master. Following consultation with Special Master Ellis, the Court hereby appoints Timothy J. Becker and C. Andrew Childers as Plaintiffs' Census Liaison Counsel, and Sean P. Fahey, Rebecca Fitzpatrick, and James F. Hurst as Abbott Census Liaison Counsel.

E. Manner of Completion and Service of MDL Census Forms and Non-MDL Census Forms

Each MDL Census Form and/or Non-MDL Census Form shall be completed and submitted via a secure web form submission system "MDL Centrality" designed, hosted, and provided by BrownGreer. Plaintiff's/Claimant's Counsel shall use the secure MDL Centrality System designed and provided by BrownGreer and accessible at <https://www.mdlcentrality.com> to complete and submit MDL Census Forms and Non-MDL Census Forms, as follows:

- (a) Within ten days of entry of this CMO, every Plaintiff's Counsel subject to this CMO shall request access to the MDL Centrality System to obtain individually authorized secure links and login information. Upon request, Plaintiff's Counsel may receive searchable reports of all information submitted by that Plaintiff's Counsel. However, except as set forth herein, Plaintiff's Counsel shall not be permitted to view, search, or access any information or materials submitted by any other Plaintiff's Counsel or related to any other Plaintiff or Claimant (which said Plaintiff's Counsel does not represent).
- (b) Only the Court,⁴ Plaintiffs' Census Liaison Counsel,⁵ Abbott Census Liaison Counsel,⁶ and the Census Special Master⁷ shall have access to and be able to view, search and download MDL Census Form and Non-MDL Census Form submissions. The MDL Census Form and Non-MDL Census Form submissions cannot be used for any purpose in litigation in this MDL, or any other litigation, nor can the MDL Census Form and Non-MDL Census Form submissions be shared with Plaintiff's or litigation counsel (other than with the Plaintiff's Counsel submitting the MDL Census Forms and Non-MDL Census Forms on behalf of each of their representative Plaintiffs and/or Claimants).

⁴ Including employees, staff, and all other personnel necessary to assist the Court in its function.

⁵ Including such Counsel's partners, associates, employees, staff, and all other personnel necessary to assist such Counsel in their function.

⁶ Including such Counsel's co-counsel, partners, associates, employees, staff, and all other personnel necessary to assist such Counsel in their function and in-house counsel for Abbott.

⁷ Including employees, staff, and all other personnel necessary to assist the Census Special Master in her function.

(c) Each Plaintiff's/Claimant's Counsel shall use the MDL Centrality System to complete, submit, and/or update the appropriate MDL Census Form and/or Non-MDL Census Form online.

(d) Service of a completed MDL Census Form and/or Non-MDL Census Form shall be deemed to occur when the submitting party has performed each of the steps required by the MDL Centrality System to execute the online submission of the materials, and the submitting party has received confirmation on screen that the materials have been successfully submitted.

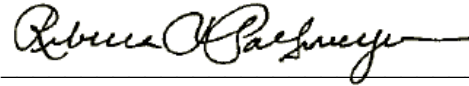
If a Plaintiff or Claimant (through their respective Counsel) must amend a previously submitted MDL Census Form and/or Non-MDL Census Form, all subsequent versions and/or updates must be identified as an "Update" rather than a "New Submission"—prior MDL Census Form and/or Non-MDL Census Form information submitted will remain available and accessible.

IV. "COMPLETE" MDL CENSUS FORMS AND/OR NON-MDL CENSUS FORMS

For an MDL Census Form and/or Non-MDL Census Form to be complete, it must provide responses to all fields in the form and must include the requested medical records. By submitting the MDL Census Form and/or Non-MDL Census Form, Counsel represents that they have conducted a diligent investigation and are making a good faith representation of facts currently known to them. To the extent a Plaintiff or Claimant is represented by more than one Counsel jointly litigating as co-Counsel, such Counsel shall coordinate to ensure that the Plaintiff or Claimant is only reflected on a single submission and duplication is avoided. MDL Census Forms and Non-MDL Census Forms may be electronically signed. Plaintiffs' and/or Abbott Census Liaison Counsel or the Census Special Master shall raise any issues and/or disputes pertaining to this Court-imposed process with the Court as necessary, including at the regularly scheduled Case

Management Conferences. The Census Special Master shall also have authority to correspond directly with Plaintiff's/Claimant's Counsel regarding un-submitted or deficient MDL Census Forms and/or Non-MDL Census Forms and shall copy Plaintiffs' Census Liaison Counsel and Abbott Census Liaison Counsel on any such correspondence.

Dated: September 10, 2025

A handwritten signature in black ink, appearing to read "Rebecca R. Pallmeyer", written over a horizontal line.

REBECCA R. PALLMEYER
United States District Judge
Northern District of Illinois